

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

By the foregoing amendments, claims 1-5, 7-8, 11-14, 20-21 and 23-25 have been amended. Claims 15-19 and 22 have been canceled. No new matter has been added. Thus, claims 1-14, 20-21 and 23-25 are currently pending in the application and subject to examination. Claims 13-14 and 20-21 have been allowed.

Entry of this Amendment is proper under 37 C.F.R. § 1.116 since this Amendment: (a) places the application in condition for allowance for reasons discussed herein; (b) does not raise any new issue regarding further search and/or consideration since the Amendment amplifies issues previously discussed throughout prosecution; (c) does not present any additional claims without canceling a corresponding number of finally-rejected claims and (d) places the application in better form for appeal, should an appeal be necessary. The Amendment is necessary because it is made in reply to arguments raised in the rejection. Entry of the Amendment is thus respectfully requested.

In the Office Action mailed January 30, 2004, the Examiner rejected claims 1-4 and 6-9 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,193,000 to Lipton, et al. Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipton, et al. in view of U.S. Patent No. 5,633,682 to Tahara. The Examiner rejected claims 10 and 23-25 under 35 U.S.C. § 103(a) as being unpatentable over Lipton, et al. Claims 11-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipton, et al. in view of U.S. Patent No. 6,304,243 B1 to Kondo, et al.

It is noted that claims 1-5, 7-8, 11-12 and 23-25 have been amended. To the extent that the rejection remains applicable to the claims currently pending, the Applicants hereby traverse the rejection, as follows.

Regarding claim 1, Applicants submit that Lipton, et al. does not describe or suggest at least the limitation of a "determining means for . . . determining whether said video data is video data in accordance with a stereoscopic broadcasting method," as claimed in claim 1.

Applicants respectfully submit that Lipton, et al. teaches a multiplexing technique for a stereoscopic video system. The system takes a signal from camera A and a signal from camera B and compresses each signal in the horizontal direction by approximately 50% and then multiplexes the two signals together to create a signal that requires the same bandwidth as a standard NTSC or PAL broadcast signal. This signal, when displayed on a conventional non-stereoscopic monitor, results in image pairs that are digitally squeezed and located side-by-side on the monitor. When the signal is played back on a stereoscopic monitor and the user wears a selection device, the user can view the stereoscopic video image. Thus, all that Lipton discloses is that a stereoscopic signal when viewed on a non-stereoscopic monitor, will produce two side-by-side independent displays, and when viewed on a stereoscopic monitor, will produce a stereoscopic video image, without determining whether the video data is video data in accordance with a stereoscopic broadcasting method.

For at least this reason, Applicants submit that claim 1, as amended, is allowable over the cited prior art. As claim 1, is allowable, Applicants submit that claims 2-6, which depend from allowable claim 1, are likewise allowable over the cited prior art.

Also, similarly to as discussed above with regard to claim 1, Applicants submit that claim 7, as amended, is allowable over the cited prior art at least because the cited prior art does not disclose or suggest the limitation of a "determining means for . . . determining whether said video data is video data in accordance with a stereoscopic broadcasting method," as recited in claim 7.

Regarding claim 8, Applicants submit that Lipton, et al. does not disclose or suggest at least the limitation of a "determining means . . . for determining . . . whether the signal to be reproduced and displayed on said monitor is said first video signal in accordance with a first broadcasting method or said first video signal in accordance with a second broadcasting method different from said first broadcasting method," as claimed in claim 8.

For at least this reason, Applicants submit that claim 8, as amended, is allowable over the cited prior art. As claim 8, is allowable, Applicants submit that claims 9-12 which depend from allowable claim 8, are likewise allowable over the cited prior art.

Regarding claim 23, Applicants submit that Lipton, et al. does not describe or suggest at least the limitation of a "compressing means for compressing said multiplexed video data," as claimed in claim 23, as amended. Lipton, et al. fails to disclose and/or suggest the function of compressing video data after it has been multiplexed. To the contrary, all Lipton, et al. discloses is data compression before data multiplexing. Accordingly, Lipton fails to teach and/or suggest the video signal processing means recited in claim 23. For at least this reason, Applicants submit that claim 23, as amended, is allowable over the cited prior art.

With respect to claim 24, Applicants submit that Lipton, et al. does not describe or suggest at least the limitation of a "demultiplexing means receiving said decompressed video data for demultiplexing said first video signal and said second video signal," as claimed in claim 24, as amended. For at least this reason, Applicants submit that claim 24, as amended, is allowable over the cited prior art.

Regarding claim 25, Applicants submit that Lipton, et al. does not describe or suggest at least the limitations of a "compressing means for compressing said multiplexed video data," and a "demultiplexing means receiving said decompressed video data for demultiplexing said first video signal and said second video signal," as claimed in claim 25, as amended. For at least this reason, Applicants submit that claim 25, as amended, is allowable over the cited prior art.

With regard to each of the rejections under §103 in the Office Action, it is also respectfully submitted that the Examiner has not yet set forth a *prima facie* case of obviousness. The PTO has the burden under §103 to establish a *prima facie* case of obviousness. In re Fine, 5 U.S.P.Q.2nd 1596, 1598 (Fed. Cir. 1988). Both the case law of the Federal Circuit and the PTO itself have made clear that where a modification must be made to the prior art to reject or invalidate a claim under §103, there must be a showing of proper motivation to do so. The mere fact that a prior art reference could arguably be modified to meet the claim is insufficient to establish obviousness. The PTO can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. Id. In order to establish obviousness, there must be a suggestion or motivation in the reference to do so. See

also In re Gordon, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984) (prior art could not be turned upside down without motivation to do so); In re Rouffet, 149 F.3d 1350 (Fed. Cir. 1998); In re Dembiczak, 175 F.3d 994 (Fed. Cir. 1999); In re Lee, 277 F.3d 1338 (Fed. Cir. 2002).

In the Office Action, the Examiner merely states that it would have been "quite obvious to a person of ordinary skill in the relevant art employing a . . . broadcast receiver as taught by Lipton et al. . . ." to combine it with "well known prior art," Tahara, or Kondo et al. See, e.g., Office Action at pages 6-8. This is an insufficient showing of motivation.

For all of the above reasons, it is respectfully submitted that the claims now pending patentably distinguish the present invention from the cited references. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300, referring to client-matter number 100806-09022.

The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300, referring to client-matter number 100806-09022.

Respectfully submitted,

Arent Fox PLLC



Juliana Haydoutova
Attorney for Applicants
Registration No. 43,313

Customer No. 004372
1050 Connecticut Ave., N.W.
Suite 400
Washington, D.C. 20036-5339
Telephone No. (202) 715-8434
Facsimile No. (202) 638-4810

JH:ksm